

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

United States Tennis Association, Inc. and
USTA National Tennis Center Incorporated,

Plaintiffs,

vs.

Employers Insurance Company of Wausau, a
subsidiary of Liberty Mutual Holding Company,
Inc., Liberty Mutual Fire Insurance Company,
Liberty Mutual Insurance Company, and Liberty
Mutual Holding Company, Inc.,

Defendants.

Civil Action No.: _____

Removed from:

Supreme Court of the State of New York
County of Westchester

Index No. 54410/2020

NOTICE OF REMOVAL

TO: Ruby J. Krajick, Clerk of the Court

United States District Court
for the Southern District of New York
The Hon. Charles L. Bricant Jr. Federal Building and Courthouse
300 Quarropas Street
White Plains, New York 10601-4100

Jeffrey I. Carton, Esq.

Joseph M. Licare, Esq.

Craig M. Cepler, Esq.

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2 Westchester Park Drive, Suite 410

White Plains, New York 10604

Attorneys for Plaintiffs

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§ 1332 and 1441, Defendants Employers Insurance Company of Wausau, a subsidiary of Liberty Mutual Holding Company, Inc., Liberty Mutual Fire Insurance Company, Liberty Mutual Insurance Company and Liberty Mutual Holding Company, Inc. (“Defendants”), by their undersigned attorneys, Finazzo Cossolini O’Leary Meola and Hager, LLC, hereby remove the above-captioned civil action, and

all claims and causes of action therein, from the Supreme Court of the State of New York, County of Westchester, to the United States District Court for the Southern District of New York. The grounds for removal are as follows:

1. On March 18, 2020, Plaintiffs commenced an action in the Supreme Court of the State of New York, County of Westchester, Index No. 54410/2020, by filing a Summons with Notice.

2. On July 7, 2020, Plaintiffs served the Summons with Notice on Corporation Service Company (“CSC”) as agent for service of process on Defendants at its office address at 84 State Street, Boston, Massachusetts. CSC forwarded the Summons with Notice to Defendants on July 8, 2020.

3. On August 4, 2020, Defendants filed a Notice of Appearance and Demand for Complaint pursuant to New York CPLR §§ 320(a) and 3012(b) with the Supreme Court of the State of New York, County of Westchester, through its electronic case filing system.

4. After the execution and filing of four Stipulations extending Plaintiffs’ time to serve a Complaint, Plaintiffs ultimately served a Complaint dated March 1, 2021 on Defendants in this action on March 1, 2021 through its filing of the Complaint with the Supreme Court of the State of New York, County of Westchester, electronic case filing system.

5. Accordingly, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446 because it is filed within 30 days after receipt by Defendants, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which the action or proceeding is based.

6. Copies of all process, pleadings, and orders served upon Defendants in the state court action, consisting at this time of the Summons with Notice dated March 18, 2020 and the

Complaint dated March 1, 2021 are attached hereto as Exhibit A.

7. This is a civil action of which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441, in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

8. Plaintiffs, United States Tennis Association, Inc. and USTA National Tennis Center Incorporated, as alleged in Paragraphs 4 and 5 of the Complaint, are corporations organized pursuant to the laws of the State of New York both with their principal place of business located in the State of New York. Accordingly, Plaintiffs are citizens of the State of New York.

9. Defendant, Employers Insurance Company of Wausau (“Employers”), is a corporation organized pursuant to the laws of the State of Wisconsin with its principal place of business located in the State of Massachusetts. Accordingly, Defendant Employers is a citizen of the States of Wisconsin and Massachusetts.

10. Defendant, Liberty Mutual Fire Insurance Company (“LMFIC”), is a corporation organized pursuant to the laws of the State of Wisconsin with its principal place of business located in the State of Massachusetts. Accordingly, Defendant LMFIC is a citizen of the States of Wisconsin and Massachusetts.

11. Defendant, Liberty Mutual Insurance Company (“LMIC”), is a corporation organized pursuant to the laws of the State of Massachusetts with its principal place of business located in the State of Massachusetts. Accordingly, Defendant LMIC is a citizen of the State of Massachusetts.

12. Defendant, Liberty Mutual Holding Company, Inc. (“LMHC”), is a corporation organized pursuant to the laws of the State of Massachusetts with its principal place of business located in the State of Massachusetts. Accordingly, Defendant LMHC is a citizen of the State of Massachusetts.

13. There is complete diversity of citizenship between the parties hereto, thereby satisfying the diversity of citizenship requirement of 28 U.S.C. § 1332.

14. As set forth in Summons with Notice, Plaintiffs seek damages against Defendants in an amount not less than \$622,366.20. Accordingly, the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs, thereby satisfying the amount in controversy requirement of 28 U.S.C. § 1332.

15. Defendants will promptly serve a copy of this Notice of Removal on counsel for Plaintiffs, and will file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of Westchester, pursuant to 28 U.S.C. §1446(d).

WHEREFORE, Defendants Employers Insurance Company of Wausau, a subsidiary of Liberty Mutual Holding Company, Inc., Liberty Mutual Fire Insurance Company, Liberty Mutual Insurance Company and Liberty Mutual Holding Company, Inc., under 28 U.S.C. §§ 1332 and 1441, hereby remove this action in its entirety from the Supreme Court of the State of New York, County of Westchester, to the United States District Court for the Southern District of New York.

Dated: March 31, 2021

**FINAZZO COSSOLINI O’LEARY
MEOLA & HAGER, LLC**

By: /s/ Jeremiah L. O’Leary
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March, 2021, I caused the foregoing Notice of Removal, with attachments, to be electronically filed with the Clerk of the United States District Court for the Southern District of New York, and a copy to be served electronically upon the following known counsel of record:

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